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Chairman: Mr. Wolfe ..... (Jamaica)

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The meeting was called to order at 3.20 p.m.

Agenda item 70 (b): Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Draft resolution A/C.3/62/L.30/Rev.1: Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization (*continued*)

1. **Ms. Giménez-Jiménez** (Bolivarian Republic of Venezuela) said that her Government had consistently maintained that democracy was a universal value based on the freely expressed will of peoples to determine their political, economic, social and cultural systems, without outside interference or intervention. While democracies shared a common basis, there was no single model since forms of democracy differed from region to region. It was imperative that sovereignty and self-determination be strictly respected. While her country recognized the representative democracy referred to in the draft resolution, it also defined itself as a participatory and proactive democracy. It was on that basis that her delegation had voted in favour of the draft resolution.

2. **Mr. Rees** (United States of America) said that the broad support for the resolution was indicative of Member States' appreciation for the vital role of the United Nations in promoting democracy, particularly free and fair elections, worldwide. His delegation did not consider the procedural discussion at the previous meeting of the Committee a precedent and reserved the right to raise those procedural issues again.

Draft resolution A/C.3/62/L.42: Elimination of all forms of intolerance and of discrimination based on religion or belief

3. **The Chairman** said that draft resolution A/C.3/62/L.42 had no programme budget implications.

4. **Ms. Tavares** (Portugal), speaking on behalf of the European Union and the other sponsors announced a number of revisions to the draft resolution. A new preambular paragraph which read, "*Underlining* the importance of education in the promotion of tolerance, which involves the acceptance by the public of, and its respect for, diversity, including with regard to religious expressions, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief," had been inserted after the second preambular paragraph; after the third preambular paragraph, a new preambular paragraph reading, "*concerned* at attacks on religious places, sites and shrines, including any deliberate destruction of relics and monuments" had been added; and a new preambular paragraph reading, "*Recognizing* the importance of inter-religious and intrareligious dialogue and the role of religious and other non-governmental organizations in promoting tolerance in matters relating to religion or belief and in this regard welcoming the High Level Dialogue on 'Inter-religious and Intercultural Understanding and Cooperation for Peace' held in the General Assembly on 4-5 October 2007;" had been added after the current fifth preambular paragraph.

5. In paragraph 2, the second line starting from "theistic" should be deleted and replaced by, "all people, regardless of their religions or beliefs, and without any discrimination as to their equal protection by the law"; at the end of paragraph 4, the phrase "and the slow progress in the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief" should be inserted; in paragraph 5, the phrase beginning with "persons" should be deleted and replaced by "in vulnerable situations, including refugees, asylum seekers, and internally displaced persons, as regards their ability freely to exercise their right to freedom of religion or belief"; in paragraph 8, after the word "interrelated", the words "and mutually reinforcing" should be added and the rest of the paragraph should be deleted; a new paragraph reading, "Takes note of the report to the Human Rights Council by the Special Rapporteur on Freedom of Religion or Belief and the Special Rapporteur on Contemporary Forms of Racism on the incitement to racial and religious hatred and the promotion of intolerance" should be inserted after the current paragraph 8; and a new paragraph reading, "Emphasizes also that equating any religion with terrorism should be avoided, as this may have adverse consequences on the enjoyment of the right to freedom of religion or belief of all members of the religious communities concerned" should be inserted after the current paragraph 10.

6. With the adoption by consensus of the draft resolution, the international community was seeking to

promote full implementation by all actors in society of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to support the work of the Special Rapporteur on freedom of religion or belief. There could be no doubt that the right to freedom of religion or belief applied equally to believers and non-believers. Indeed, freedom of expression was an essential element of religion or belief and any attempt to lower the threshold of the acts referred to in article 20 of the International Covenant on Civil and Political Rights would diminish both freedom of expression and freedom of religion or belief. She hoped that the compromise arrived at would permit the draft resolution to be adopted by consensus.

7. **Mr. Khane** (Secretary of the Committee) announced that Armenia, Australia, Azerbaijan, Benin, Botswana, Brazil, Costa Rica, Côte d'Ivoire, the Philippines, Republic of Korea, Rwanda and Uganda had joined the sponsors of the draft resolution, as orally revised.

8. **The Chairman** said he took it that the Committee wished to adopt draft resolution A/C.3/62/L.42, as orally revised, without a vote.

9. *Draft resolution A/C.3/62/L.42, as orally revised, was adopted.*

10. **Ms. Halabi** (Syrian Arab Republic) said that her country, in keeping with its long history of tolerance, rejected all forms of intolerance and discrimination based on religion or belief. It was important to refrain from equating any religion with terrorism. Accordingly, her delegation had joined the consensus on draft resolution A/C.3/62/L.42, while retaining the right to interpret subparagraphs 9 (a) and (b) in a manner consonant with national legislation.

11. **Ms. Nawaz** (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), said that freedom of thought, conscience and religion should be applied equally to all people, regardless of their religion or belief, without any discrimination as to their equal protection under law. Islamic civilization had reached its zenith around the beginning of the last millennium due to its inherent respect of freedom of thought and conscience, creating an environment conducive to the flourishing of deductive and inductive thought, and humanity was still reaping the benefits of the contributions of a number of great Muslim scientists, philosophers and scholars. For over 15 centuries, Jews, Christians and people of all other faiths had lived in peace and harmony with Islamic societies based on respect for their rights to freely exercise their religious practices and rituals and to preserve their religious sites. In keeping with that tradition, OIC hoped that future deliberations on freedom of religion in the Third Committee or in the Human Rights Council would be conducted in a constructive spirit. OIC member States had joined the consensus on draft resolution A/C.3/62/L.42 on the understanding that it contained nothing that would condone action aimed at the defamation of religion or incitement to religious or racial hatred. The exercise of the right of freedom of expression implied special duties and responsibilities and could therefore be subject to certain legal limitations necessary to respect the rights or reputation of others, to protect national security, public order, public health or morals and to ensure respect for religions and beliefs.

12. **Ms. Tavares** (Portugal) announced that, Albania, Burundi, Canada, Cape Verde, the Central African Republic, Colombia, the Congo, Georgia, Guatemala, Iceland, Madagascar, Mauritius, Moldova, New Zealand, Sao Tome and Principe, Serbia, Turkey, Ukraine, the United Republic of Tanzania, the United States of America and Uruguay had joined the sponsors of the draft resolution.

Draft resolution A/C.3/62/L.53/Rev.1: The right to food

13. **Mr. Khane** (Secretary of the Committee), speaking with regard to the financial implications of the draft resolution and referring to paragraphs 26, 27 and 33 thereof, said that the Secretary-General, in his statement of programme budget implications, had informed the Human Rights Council upon adoption of its resolution 6/2, that estimated requirements of $52,000 or $104,000 per biennium required to implement activities relating to the Special Rapporteur had already been included in the programme budget for the biennium 2006-2007 and the proposed programme budget for the biennium 2008-2009 under section 23, Human Rights. Upon adoption by the Human Rights Council of its report on its sixth session, the Secretary-General would report to the General Assembly on the revised estimates resulting from decisions of the Human Rights Council at its sixth session. Should the draft resolution be adopted by the General Assembly, no additional appropriations would be required. In addition, since the period for renewal of the mandate

extended into the biennium 2010-2011, the requirements for that period would be considered in the context of the proposed programme budget for the biennium 2010-2011. With regard to paragraph 27, he drew attention to the provisions of section VI of General Assembly resolution 45/248 B in which the Assembly had reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

14. **Ms. Pérez Álvarez** (Cuba), introducing the draft resolution noted that it had received broad support, thus reaffirming that the right to food was a human right, as recognized in a large number of international human rights instruments. The text emphasized that food security continued to have a global dimension and that the situation had worsened dramatically in some regions, particularly in Africa. Unfortunately some 854 million people worldwide, the overwhelming majority from developing countries, still lacked sufficient food and were unable to meet their basic needs. That situation was a violation of their fundamental human rights and an affront to their human dignity.

15. The draft resolution reaffirmed that without the consolidation of a peaceful, stable and enabling political, social and economic environment, at both the national and international levels, it would be impossible for States to give adequate priority to food security. It also emphasized the need for a range of urgent national, regional and international measures to eliminate hunger, including the mobilization and use of technical and financial resources. Commending the efforts of the Special Rapporteur, the Secretary-General and the High Commissioner for Human Rights, the draft resolution also welcomed the work undertaken by the World Food Programme and hoped that it would receive adequate funds to be able to continue its cooperation activities throughout the world, especially in Africa. She encouraged all Member States to sponsor the draft resolution to reaffirm their commitment to the right of all individuals to the right to food.

16. She announced that Albania, Andorra, Belgium, Bulgaria, Canada, Cyprus, Fiji, Greece, India, Japan, Moldova (Republic of), Montenegro, Nauru, Nepal, Pakistan, Rwanda, Saudi Arabia, the Solomon Islands, Somalia, Switzerland, the Syrian Arab Republic, Thailand, Trinidad and Tobago and Zimbabwe had joined in sponsoring the draft resolution.

17. The following oral revisions had been introduced to the text of the draft resolution: in paragraph 12, the words "taking into account, as appropriate, the United Nations Declaration on the Rights of Indigenous Peoples" had replaced "as appropriate, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples"; the term ", inter alia," had been inserted after "because of" in the fifth line of paragraph 14; and the phrase "expresses its appreciation for the work" had replaced "welcomes the valuable work" in paragraph 25. She also drew attention to a mistranslation of the term "emerging issues" in paragraph 33 of the Spanish version of the draft resolution.

18. **Ms. Pohjankukka** (Finland) said that the promotion and protection of economic, social and cultural rights was extremely important to Finland, as a traditional sponsor of the draft resolution on the right to food. It was most regrettable, therefore, that her delegation was obliged to withdraw as a sponsor of the current draft resolution because it could not accept the formulation in paragraph 12: "taking into account, as appropriate, the United Nations Declaration on the Rights of Indigenous Peoples". In the light of the high value that Finland placed on the Declaration, it was inappropriate to qualify that instrument in such terms. Her delegation hoped, however, that it would be able to join as a sponsor of the draft resolution at future sessions.

19. **Mr. Hill** (United States of America) requested a recorded vote on the draft resolution.

20. **Ms. Taracena Secaira** (Guatemala) agreed that the wording just referred to by the delegation of Finland was inappropriate. However, her delegation had accepted that formulation because of the need to include the right to food of indigenous people in the text.

21. **Mr. Suárez** (Colombia) said that his delegation, which traditionally supported the draft resolution on the right to food, would vote in favour of the current initiative. However, it wished to state Colombia's position with regard to the issue of biofuels in the context of respect for the right to food security. His delegation did not share the views and recommendations contained in the report on biofuels submitted during the current session. In that context, it

wished to stress that the Special Rapporteur on the right to food should continue to fulfil his mandates in accordance with the code of conduct governing his work.

22. **The Chairman** said that a recorded vote would be taken on draft resolution A/C.3/62/L.53/Rev.1.

23. **Mr. Hill** (United States of America), speaking in explanation of vote before the vote, said that, while his delegation agreed that the global food situation gave cause for considerable concern, it could not support the text as drafted. His Government had consistently maintained that the right to adequate food or to freedom from hunger was a goal to be attained progressively and did not give rise to any international obligations or diminish the responsibilities of national governments to their citizens. In the light of that long-standing position, the current draft resolution, like many others before it, contained numerous objectionable provisions, including inaccurate textual descriptions of the underlying right. As the largest donor of humanitarian food aid, the United States had proven its profound commitment to promoting food security by its actions. He hoped that in future sponsors of the resolution would work with the United States to accommodate its concerns.

24. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/62/L.53/Rev.1, as orally revised.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

25. *Draft resolution A/C.3/62/L.53/Rev.1, as orally revised, was adopted by 176 votes to 1.*

26. **Mr. Vandeville** (France), speaking in explanation of vote after the vote, said that his delegation had voted in favour of the draft resolution introduced by Cuba and had sponsored that initiative based on the merits of the text. France supported the promotion of the right to food and appreciated the work accomplished by the Special Rapporteur. However, the sponsorship by France of the text presented by Cuba should in no way be understood as tolerance for the unacceptable and irresponsible words that the Cuban delegation had expressed regarding France in exercise of its right to reply on agenda item 65.

27. **Mr. Amorós Núñez** (Cuba), recalled that delegations had been requested to make statements in explanation of vote and nothing else.

28. **The Chairman** agreed delegations should restrict their comments to explanations of vote.

29. **Mr. Peralta** (Paraguay) said that his delegation had voted in favour of the draft resolution because food security was a highly sensitive and important issue for Paraguay, a landlocked agriculture-dependent country. However, with regard to paragraph 33 of the draft resolution, the work of the Special Rapporteur must comply with the three sections of resolution 2000/10 of the Commission on Human Rights.

30. **Ms. Moreira** (Ecuador), making a general statement, said that her delegation had sponsored and voted in favour of the draft revision. However, it was unable to accept the oral revision introduced by Cuba which read "taking into account, as appropriate", since that diminished the protection of the economic, social and cultural rights of indigenous people.

Draft resolution A/C.3/62/L.33/Rev.1: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recogni[illegible] Human Rights and Fundamental Freedoms

31. **The Chairman** said that draft resolution A/C.3/62/L.33/Rev.1 contained no programme budget implications.

32. **Mr. Heines** (Norway) introduced the draft resolution and announced that Australia, Benin, Chile, Costa Rica, Cyprus, Poland and South Africa had joined in sponsoring it. Furthermore, the following oral revisions had been made to the text: the words "Recalling further Human Rights Council resolutions 5/1 and 5/2" had replaced the original text in the third preambular paragraph; the expression "in a number of countries in all regions of the world" in the fourth and sixth preambular paragraphs had been replaced by the phrase "in many countries"; the words "and recalling that all of them have rights as well as responsibilities within and towards the community" had been added at the end of the eighth preambular paragraph; and in paragraph 8, the words "in a timely manner" had been added after the words "to provide all information".

33. **Mr. Khane** (Secretary of the Committee) announced that Belgium, Ecuador, El Salvador, Iraq, Lebanon, Lithuania, Mali, Mauritania, Mauritius, Morocco, Rwanda, Thailand, Ukraine and Uruguay had also joined in sponsoring the draft resolution.

34. **Mr. Llanos** (Chile) said that his delegation had once again sponsored the draft resolution on human rights defenders because it was convinced that they played an important role in the promotion and protection of human rights worldwide. Chile fully supported the Declaration and would continue to work with human rights defenders within the United Nations and in other regional forums. His delegation welcomed the statement delivered by the Special Rapporteur with regard to the situation of human rights in Chile. As a democratic State, Chile had the institutional mechanisms in place which allowed individuals to seek redress and it categorically rejected the use of force and violence as instruments of repression.

35. **Ms. Giménez-Jiménez** (Bolivarian Republic of Venezuela) welcomed the oral revisions proposed by the delegation of Norway and withdrew her own delegation's proposed amendment to the draft resolution, as contained in document A/C.3/62/L.88.

36. **The Chairman** said he took it that the Committee wished to adopt draft resolution A/C.3/62/L.33/Rev.1, as orally revised, without a vote.

37. *It was so decided.*

38. **Ms. Halabi** (Syrian Arab Republic), speaking in explanation of position, said that according to the text of the Declaration, non-governmental organizations were given not only rights, but also responsibilities, including that of defending individuals and peoples against serious human rights violations on a non-selective and impartial basis. Such non-governmental organizations should be established in accordance with national legislation. Throughout the deliberations of the working group that had drafted the text of the Declaration, her country had emphasized that although there was a right to request resources, obtaining resources could not be a right. Paragraph 20 of the Declaration reaffirmed the concepts of national sovereignty, independence and non-interference in the internal affairs of other States in order to create a climate conducive to dialogue and understanding among people and promote and protect human rights.

39. **Mr. Jooyabad** (Islamic Republic of Iran) said that his delegation had been initially reluctant to join the consensus but had done so in a spirit of compromise. Most of the sponsors had played a constructive role but unfortunately a few States with a hidden agenda were side-tracking the resolution from its objectives as set forth in the Declaration. The

resolution should be fully consistent with the principles set forth in the Charter of the United Nations, in article 29 of the Universal Declaration on Human Rights and in article 18 of the Declaration; unfortunately it was entirely protection-based and did not adequately address the crucial concept of promotion of all human rights.

40. His country disassociated itself from the use of the undefined term "human rights defenders", which narrowed down the scope of the term originally used while also ignoring the need for promotion of human rights and preferred the original term "individuals, groups and organs of society" as that was based on the essence of the Declaration. In relation to the substantial issues of the Declaration which had not been adequately reflected in the resolution, he drew attention to the fourth preambular paragraph and articles 1, 16 and 18 of the Declaration.

Draft resolution A/C.3/62/L.34/Rev.1: Protection of and assistance to internally displaced persons

41. **The Chairman** said that draft resolution A/C.3/62/L.34/Rev.1 had no programme budget implications.

42. **Ms. Merchant** (Norway), speaking on behalf of the sponsors, said that at the end of the fifth line of paragraph 9, the words "as well as related land and property issues," should be inserted after the words "reintegration and rehabilitation,". Benin, Cyprus, Georgia and Spain had joined in sponsoring the draft resolution, as orally revised.

43. **Mr. Khane** (Secretary of the Committee) said that Brazil, Burundi, Canada, Chile, Côte d'Ivoire, Ecuador, El Salvador, Liberia, Malta, Moldova, Nigeria, Poland, Republic of Korea, Sierra Leone and Thailand also wished to sponsor the draft resolution as orally revised.

44. **Mr. Lukiyantsev** (Russian Federation) said that his delegation was pleased to join the consensus on that important resolution in view of the fact that another interested delegation had agreed to withdraw its own proposal.

45. **The Chairman** said he took it that the Committee wished to adopt draft resolution A/C.3/62/L.34/Rev.1, as orally revised, without a vote.

46. *It was so decided.*

47. **Ms. Halabi** (Syrian Arab Republic) said that her delegation had joined the consensus because it was important for the Committee to draw attention to the plight of internally displaced persons, who were mostly the innocent victims of armed conflict between States, natural disasters or foreign occupation. However, she expressed reservations concerning the sixth and seventh preambular paragraphs and paragraphs 10 and 11, which referred to the Guiding Principles on Internal Displacement, which did not cover persons displaced by foreign occupation. Her delegation's position of principle was that Member States should negotiate before adopting documents pertaining to international cooperation in that field.

48. **Mr. Agussi** (Bolivarian Republic of Venezuela) said that although his delegation had joined the consensus on the draft resolution, it wished to draw attention to the ninth preambular paragraph, and its incomplete reference to the provisions of the Rome Statute of the International Criminal Court concerning the definition of the deportation or forcible transfer or displacement of the civilian population as a crime against humanity or war crimes. Indeed, ordering the internal displacement of civilians was not in itself a war crime in any context but only in certain circumstances. Since the wording of that paragraph was open to misinterpretation, it should be redrafted in a more comprehensive and inclusive manner to include all cases in which displacement or transfer of persons was a war crime. His delegation hoped that the Committee, when next considering the issue, would revise the text to reflect the entire spectrum of cases covered by the Rome Statute. Member States would surely wish to support his country's proposal in the same spirit of reciprocity and flexibility in which his delegation had joined the present consensus.

49. **Mr. Woodroffe** (United Kingdom), speaking in exercise of the right of reply in reference to the remarks made by the representative of Argentina on the sovereignty of the Falkland Islands at the previous meeting, reiterated the position of the United Kingdom on that issue as expressed at earlier meetings of the Committee.

The meeting rose at 4.50 p.m.